

# **THIRTY-SEVENTH DAY - MARCH 2, 2005**

## **LEGISLATIVE JOURNAL**

### **NINETY-NINTH LEGISLATURE FIRST SESSION**

#### **THIRTY-SEVENTH DAY**

Legislative Chamber, Lincoln, Nebraska  
Wednesday, March 2, 2005

#### **PRAYER**

The prayer was offered by Pastor Brenda Pfeifly, Beautiful Savior Lutheran Church, Palmyra.

#### **ROLL CALL**

Pursuant to adjournment, the Legislature met at 9:00 a.m., Senator Cudaback presiding.

The roll was called and all members were present except Senators Brashear, Hudkins, Kremer, and Landis who were excused; and Senators Baker, Foley, Janssen, Kruse, Langemeier, Dw. Pedersen, and D. Pederson who were excused until they arrive.

#### **CORRECTIONS FOR THE JOURNAL**

The Journal for the thirty-sixth day was approved.

#### **STANDING COMMITTEE REPORTS** **Revenue**

**LEGISLATIVE BILL 753.** Placed on General File as amended.

Standing Committee amendment to LB 753:

AM0643

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 77-2701.16, Revised Statutes
- 4 Supplement, 2004, is amended to read:
- 5 77-2701.16. (1) Gross receipts shall mean the total
- 6 amount of the sale or lease or rental price, as the case may be, of
- 7 the retail sales of retailers valued in money whether received in
- 8 money or otherwise, without any deduction on account of any of the
- 9 following:
- 10 (a) The cost of property sold. In accordance with rules
- 11 and regulations adopted and promulgated by the Tax Commissioner, a
- 12 deduction may be taken if the retailer has purchased property for

13 some purpose other than resale, has reimbursed his or her vendor  
14 for tax which the vendor is required to pay to the state or has  
15 paid the use tax with respect to the property, and has resold the  
16 property prior to making any use of the property other than  
17 retention, demonstration, or display while holding it for sale in  
18 the regular course of business. If such a deduction is taken by  
19 the retailer, no refund or credit will be allowed to his or her  
20 vendor with respect to the sale of the property;

21 (b) The cost of the materials used, labor or service  
22 costs, interest paid, losses, or any other expense;

23 (c) The cost of transportation of the property;

24 (d) The amount of any excise or property tax levied  
1 against the property except as otherwise provided in the Nebraska  
2 Revenue Act of 1967; or

3 (e) The amount charged for warranties, guarantees, or  
4 maintenance agreements.

5 (2) Gross receipts of every person engaged as a public  
6 utility specified in this subsection or as a community antenna  
7 television service operator or any person involved in connecting  
8 and installing services defined in subdivision (2)(a), (b), or (d)  
9 of this section shall mean:

10 (a) In the furnishing of telephone communication service,  
11 other than mobile telecommunications service as described in  
12 section 77-2706.02, the gross income received from furnishing local  
13 exchange telephone service and intrastate message toll telephone  
14 service. In the furnishing of mobile telecommunications service as  
15 described in section 77-2706.02, the gross income received from  
16 furnishing mobile telecommunications service that originates and  
17 terminates in the same state to a customer with a place of primary  
18 use in Nebraska. Gross receipts shall not mean (i) the gross  
19 income, including division of revenue, settlements, or carrier  
20 access charges received on or after January 1, 1984, from the sale  
21 of a telephone communication service to a communication service  
22 provider for purposes of furnishing telephone communication service  
23 or (ii) the gross income attributable to services rendered using a  
24 prepaid telephone calling arrangement. For purposes of this  
25 subdivision, a prepaid telephone calling arrangement shall mean the  
26 right to exclusively purchase telecommunications service that is  
27 paid for in advance that enables the origination of calls using an  
1 access number or authorization code, whether manually or  
2 electronically dialed;

3 (b) In the furnishing of telegraph service, the gross  
4 income received from the furnishing of intrastate telegraph  
5 services;

6 (c) In the furnishing of gas, electricity, sewer, and  
7 water service except water used for irrigation of agricultural  
8 lands and manufacturing purposes, the gross income received from  
9 the furnishing of such services upon billings or statements  
10 rendered to consumers for such utility services; and

11 (d) In the furnishing of community antenna television  
12 service, the gross income received from the furnishing of such  
13 community antenna television service as regulated under sections  
14 18-2201 to 18-2205 or 23-383 to 23-388.

15 Gross receipts shall also mean gross income received from  
16 the provision, installation, construction, servicing, or removal of  
17 property used in conjunction with the furnishing, installing, or  
18 connecting of any public utility services specified in subdivision  
19 (2)(a) or (b) of this section or community antenna television  
20 service specified in subdivision (2)(d) of this section. Gross  
21 receipts shall not mean gross income received from telephone  
22 directory advertising.

23 (3) Gross receipts of every person engaged in selling,  
24 leasing, or otherwise providing intellectual or entertainment  
25 property shall mean:

26 (a) In the furnishing of computer software, the gross  
27 income received, including the charges for coding, punching, or  
1 otherwise producing computer software and the charges for the  
2 tapes, disks, punched cards, or other properties furnished by the  
3 seller; and

4 (b) In the furnishing of videotapes, movie film,  
5 satellite programming, satellite programming service, and satellite  
6 television signal descrambling or decoding devices, the gross  
7 income received from the license, franchise, or other method  
8 establishing the charge except the gross income received from  
9 videotape and film rentals, satellite programming, and satellite  
10 programming service when the sales tax or the admission tax is  
11 charged under the Nebraska Revenue Act of 1967 and except as  
12 provided in section 77-2704.39.

13 (4) Gross receipts for providing a service shall mean:

14 (a) The gross income received for building cleaning and  
15 maintenance, pest control, and security;

16 (b) The gross income received for motor vehicle washing,  
17 waxing, towing, and painting;

18 (c) The gross income received for computer software  
19 training;

20 (d) The gross income received for installing and applying  
21 tangible personal property if the sale of the property is subject  
22 to tax;

23 (e) The gross income received for labor by a contractor  
24 except as provided in section 77-2704.55;

25 (f) The gross income received for services of  
26 recreational vehicle parks;

27 (g) The gross income received for labor for repair or  
1 maintenance services performed with regard to tangible personal  
2 property the sale of which would be subject to sales and use taxes,  
3 excluding motor vehicles, except as otherwise provided in  
4 subdivision (2)(f) of section 77-2702.13 or section 77-2704.26;

5 (h) The gross income received for animal specialty

6 services except (i) veterinary services and (ii) specialty services  
7 performed on livestock as defined in section 54-183; and  
8 (i) The gross income received for detective services.  
9 (5) Gross receipts shall not include any of the  
10 following:  
11 (a) Cash discounts allowed and taken on sales;  
12 (b) The amount of any rebate granted by a motor vehicle  
13 or motorboat manufacturer or dealer at the time of sale of the  
14 motor vehicle or motorboat, which rebate functions as a discount  
15 from the sales price of the motor vehicle or motorboat;  
16 (c) Sales price of property or services returned or  
17 rejected by customers when the full sales price is refunded either  
18 in cash or credit;  
19 (d) The amount charged for finance charges, carrying  
20 charges, service charges, or interest from credit extended on sales  
21 of property or services under contracts providing for deferred  
22 payments of the purchase price if such charges are not used as a  
23 means of avoiding imposition of the tax upon the actual sales price  
24 of the property or services;  
25 (e) The value of property taken by a seller in trade as  
26 all or a part of the consideration for a sale of property of any  
27 kind or nature;  
1 (f) The value of a motor vehicle or motorboat taken by  
2 any person in trade as all or a part of the consideration for a  
3 sale of another motor vehicle or motorboat;  
4 (g) Receipts from conditional sale contracts, installment  
5 sale contracts, rentals, and leases executed in writing prior to  
6 June 1, 1967, and with delivery of the property prior to June 1,  
7 1967, if such conditional sale contracts, installment sale  
8 contracts, rentals, or leases are for a fixed price and are not  
9 subject to negotiation or alteration; or  
10 (h) Except as provided in subsection (2) of this section,  
11 until October 1, 2002, the amount charged for labor or services  
12 rendered in installing or applying the property sold if such amount  
13 is separately stated and such separate statement is not used as a  
14 means of avoiding imposition of the tax upon the actual sales price  
15 of the property.  
16 (6) Subsections (1) through (6) of this section terminate  
17 on January 1, 2004.  
18 (7) Gross receipts means the total amount of the sale or  
19 lease or rental price, as the case may be, of the retail sales of  
20 retailers.  
21 (8) Gross receipts of every person engaged as a public  
22 utility specified in this subsection or as a community antenna  
23 television service operator or any person involved in connecting  
24 and installing services defined in subdivision (8)(a), (b), or (d)  
25 of this section means:  
26 (a)(i) In the furnishing of telephone communication  
27 service, other than mobile telecommunications service as described

1 in section 77-2703.04, the gross income received from furnishing  
2 local exchange telephone service and intrastate message toll  
3 telephone service; and

4 (ii) In the furnishing of mobile telecommunications  
5 service as described in section 77-2703.04, the gross income  
6 received from furnishing mobile telecommunications service that  
7 originates and terminates in the same state to a customer with a  
8 place of primary use in Nebraska;

9 (b) In the furnishing of telegraph service, the gross  
10 income received from the furnishing of intrastate telegraph  
11 services;

12 (c) In the furnishing of gas, electricity, sewer, and  
13 water service, the gross income received from the furnishing of  
14 such services upon billings or statements rendered to consumers for  
15 such utility services;

16 (d) In the furnishing of community antenna television  
17 service, the gross income received from the furnishing of such  
18 community antenna television service as regulated under sections  
19 18-2201 to 18-2205 or 23-383 to 23-388; and

20 (e) The gross income received from the provision,  
21 installation, construction, servicing, or removal of property used  
22 in conjunction with the furnishing, installing, or connecting of  
23 any public utility services specified in subdivision (8)(a) or (b)  
24 of this section or community antenna television service specified  
25 in subdivision (8)(d) of this section, which shall be considered  
26 construction services beginning October 1, 2003. This subdivision  
27 does not apply to the gross income received by a contractor  
1 electing to be treated as a consumer of building materials under  
2 subdivision (2) or (3) of section 77-2701.10 for any such services  
3 performed prior to October 1, 2003.

4 (9) Gross receipts of every person engaged in selling,  
5 leasing, or otherwise providing intellectual or entertainment  
6 property means:

7 (a) In the furnishing of computer software, the gross  
8 income received, including the charges for coding, punching, or  
9 otherwise producing any computer software and the charges for the  
10 tapes, disks, punched cards, or other properties furnished by the  
11 seller; and

12 (b) In the furnishing of videotapes, movie film,  
13 satellite programming, satellite programming service, and satellite  
14 television signal descrambling or decoding devices, the gross  
15 income received from the license, franchise, or other method  
16 establishing the charge.

17 (10) Gross receipts for providing a service means:

18 (a) The gross income received for building cleaning and  
19 maintenance, pest control, and security;

20 (b) The gross income received for motor vehicle washing,  
21 waxing, towing, and painting;

22 (c) The gross income received for computer software

23 training;

24 (d) The gross income received for installing and applying  
25 tangible personal property if the sale of the property is subject  
26 to tax;

27 (e) The gross receipts received for labor by a contractor  
1 electing to be treated as a consumer of building materials under  
2 subdivision (2) or (3) of section 77-2701.10 except as provided in  
3 section 77-2704.55. For purposes of this subdivision, the gross  
4 receipts received for labor shall be sixty percent of the sales  
5 price for building materials and construction services less an  
6 allowance for sales tax paid on building materials. The allowance  
7 for sales tax paid on building materials shall equal the sales tax  
8 rate in effect at the time payment is received at the location of  
9 the project times forty percent of the sales price for building  
10 materials and construction services;

11 (f) The gross income received for services of  
12 recreational vehicle parks;

13 (g) The gross income received for labor for repair or  
14 maintenance services performed with regard to tangible personal  
15 property the sale of which would be subject to sales and use taxes,  
16 excluding motor vehicles, except as otherwise provided in section  
17 77-2704.26 or 77-2704.50;

18 (h) The gross income received for animal specialty  
19 services except (i) veterinary services and (ii) specialty services  
20 performed on livestock as defined in section 54-183; and

21 (i) The gross income received for detective services.

22 (11) Gross receipts includes the sale of admissions which  
23 means the right or privilege to have access to or to use a place or  
24 location. When an admission to an activity is combined with the  
25 solicitation of a contribution, the portion or the amount charged  
26 representing the fair market price of the admission shall be  
27 considered a retail sale subject to the tax imposed by section  
1 77-2703. The organization conducting the activity shall determine  
2 the amount properly attributable to the purchase of the privilege,  
3 benefit, or other consideration in advance, and such amount shall  
4 be clearly indicated on any ticket, receipt, or other evidence  
5 issued in connection with the payment.

6 (12) Gross receipts includes the sale of live plants  
7 incorporated into real estate except when such incorporation is  
8 incidental to the transfer of an improvement upon real estate or  
9 the real estate.

10 (13) Gross receipts includes the sale of any building  
11 materials annexed to real estate and any construction services by a  
12 person electing to be taxed as a retailer pursuant to subdivision  
13 (1) of section 77-2701.10.

14 (14) Gross receipts includes the sale of prepaid  
15 telephone calling arrangements and the recharge of prepaid  
16 telephone calling arrangements. If the sale or recharge of a  
17 prepaid telephone calling arrangement does not take place at the

18 vendor's place of business, the sale or recharge shall be  
19 conclusively determined to take place at the customer's shipping  
20 address or, if there is no item shipped, at the customer's billing  
21 address. For purposes of this subsection, a prepaid telephone  
22 calling arrangement means the right to exclusively purchase  
23 telecommunications services that are paid for in advance that  
24 enables the origination of calls using an access number or  
25 authorization code, whether manually or electronically dialed.

26 (15) Gross receipts does not include:

27 (a) The amount of any rebate granted by a motor vehicle  
1 or motorboat manufacturer or dealer at the time of sale of the  
2 motor vehicle or motorboat, which rebate functions as a discount  
3 from the sales price of the motor vehicle or motorboat; or

4 (b) The price of property or services returned or  
5 rejected by customers when the full sales price is refunded either  
6 in cash or credit.

7 (16) Subsections (7) through (15) of this section become  
8 operative on January 1, 2004.

9 (17) The Tax Commissioner shall hold a hearing on rules  
10 and regulations to carry out the changes made to this section by  
11 Laws 2003, LB 759. It is the intent of the Legislature that the  
12 Tax Commissioner adopt and promulgate rules and regulations to  
13 carry out such changes.

14 Sec. 2. Original section 77-2701.16, Revised Statutes  
15 Supplement, 2004, is repealed.

16 Sec. 3. Since an emergency exists, this act takes effect  
17 when passed and approved according to law."

(Signed) David Landis, Chairperson

### Nebraska Retirement Systems

**LEGISLATIVE BILL 144.** Placed on General File as amended.  
Standing Committee amendment to LB 144:  
AM0462

1 1. Strike the original sections and insert the following  
2 new sections:  
3 "Section 1. Section 79-907, Revised Statutes Supplement,  
4 2004, is amended to read:  
5 79-907. (1)(a) On or before October 1, 2001, and at  
6 least every two years thereafter, the retirement board shall send  
7 to each contributing member of the retirement system by first-class  
8 mail, a statement of creditable service, reported salary, and other  
9 such information as is determined by the director of the Nebraska  
10 Public Employees Retirement Systems to be necessary in calculating  
11 the member's retirement benefit. ~~The member shall have ninety days~~  
12 ~~after its receipt to dispute such statement and request that the~~  
13 ~~board modify or correct such statement of information. If the~~  
14 ~~member does not dispute the statement on or before the ninety days~~

~~15 have elapsed, the statement shall be binding upon the member and~~  
~~16 the member shall be forever barred from challenging such statement~~  
~~17 thereafter.~~

18 (b) If the member requests a modification or correction  
19 of his or her statement of information, the member shall provide  
20 documentation to the board supporting such modification or  
21 correction and provide clear and convincing evidence that the  
22 statement is in error. The board shall, within sixty days after  
23 receipt of the documentation supporting the modification or  
24 correction, determine whether the member has proven by clear and  
1 convincing evidence that the statement shall be modified or  
2 corrected. If the board determines that the member has provided  
3 clear and convincing evidence, the board shall modify or correct  
4 the statement. If the board determines that the member has not  
5 provided clear and convincing evidence, the board shall deny the  
6 modification or correction. In either case, the board shall notify  
7 the member. The member may appeal the decision of the board  
8 pursuant to section 79-950.

9 (c) The board has an ongoing fiduciary duty to modify or  
10 correct a member's statement if the board discovers an error in the  
11 information it has on record. A modification or correction shall  
12 be made within sixty days after the error is brought to the  
13 attention of the board.

14 (2) The board shall adopt and promulgate rules and  
15 regulations and prescribe the necessary forms to carry out this  
16 section.

17 Sec. 2. Original section 79-907, Revised Statutes  
18 Supplement, 2004, is repealed."

**LEGISLATIVE BILL 366.** Placed on General File as amended.  
Standing Committee amendment to LB 366:  
AM0492

- 1 1. Strike original sections 1 and 2.
- 2 2. On page 7, line 7, strike "sections 23-2306, 84-1307,
- 3 and" and insert "section"; and in line 8 strike "are" and insert
- 4 "is".
- 5 3. Renumber the remaining section accordingly.

**LEGISLATIVE BILL 493.** Indefinitely postponed.

(Signed) Elaine Stuhr, Chairperson

**NOTICE OF COMMITTEE HEARINGS**  
**Appropriations**  
Room 1524



Monday, March 14, 2005 1:30 p.m.  
 AGENCY 48 - Coordinating Commission for Postsecondary Education  
 AGENCY 50 - State College System  
 AGENCY 83 - Community College System

(Signed) Don Pederson, Chairperson

**Judiciary**  
 Room 1113

LB 64	Wednesday, March 9, 2005	1:30 p.m.
LB 429	Wednesday, March 9, 2005	1:30 p.m.
LB 507	Wednesday, March 9, 2005	1:30 p.m.
LB 585	Wednesday, March 9, 2005	1:30 p.m.
LB 611	Wednesday, March 9, 2005	1:30 p.m.
LB 643	Wednesday, March 9, 2005	1:30 p.m.
LB 713	Wednesday, March 9, 2005	1:30 p.m.
LB 437	Thursday, March 10, 2005	1:30 p.m.
LB 580	Thursday, March 10, 2005	1:30 p.m.
LB 750	Thursday, March 10, 2005	1:30 p.m.
LB 752	Thursday, March 10, 2005	1:30 p.m.
LB 123	Friday, March 11, 2005	1:30 p.m.
LB 316	Friday, March 11, 2005	1:30 p.m.
LB 385	Friday, March 11, 2005	1:30 p.m.
LB 393	Friday, March 11, 2005	1:30 p.m.
LB 567	Friday, March 11, 2005	1:30 p.m.
LB 670	Friday, March 11, 2005	1:30 p.m.
LB 143	Wednesday, March 16, 2005	1:30 p.m.
LB 292	Wednesday, March 16, 2005	1:30 p.m.
LB 377	Wednesday, March 16, 2005	1:30 p.m.
LB 506	Wednesday, March 16, 2005	1:30 p.m.
LB 760	Wednesday, March 16, 2005	1:30 p.m.
LR 26CA	Wednesday, March 16, 2005	1:30 p.m.
LB 403	Thursday, March 17, 2005	1:30 p.m.
LB 454	Thursday, March 17, 2005	1:30 p.m.
LB 740	Thursday, March 17, 2005	1:30 p.m.

(Signed) Patrick J. Bourne, Chairperson

**ANNOUNCEMENT**

The Agriculture Committee designates LB 346 as its priority bill.

**BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 503A.** Introduced by Stuhr, 24.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 503, Ninety-ninth Legislature, First Session, 2005; and to declare an emergency.

**GENERAL FILE**

**LEGISLATIVE BILL 264.** Title read. Considered.

The Standing Committee amendment, AM0499, found on page 592, was adopted with 33 ayes, 0 nays, 9 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 35 ayes, 0 nays, 7 present and not voting, and 7 excused and not voting.

**STANDING COMMITTEE REPORTS**  
**Education**

**LEGISLATIVE BILL 380.** Placed on General File.

(Signed) Ron Raikes, Chairperson

**Business and Labor**

**LEGISLATIVE BILL 394.** Placed on General File.

**LEGISLATIVE BILL 237.** Placed on General File as amended.  
Standing Committee amendment to LB 237:  
AM0658

1 1. Strike sections 1 and 2 and insert:  
2 "Section 1. Section 48-125, Reissue Revised Statutes of  
3 Nebraska, is amended to read:  
4 48-125. (1) Except as hereinafter provided, all amounts  
5 of compensation payable under the Nebraska Workers' Compensation  
6 Act shall be payable periodically in accordance with the methods of  
7 payment of wages of the employee at the time of the injury or  
8 death. Fifty ; ~~except that fifty~~ percent shall be added for  
9 waiting time for all delinquent payments after thirty days' notice  
10 has been given of disability or after thirty days from the entry of  
11 a final order, award, or judgment of the compensation court, ~~except~~  
12 that for any award or judgment against the state in excess of one  
13 hundred thousand dollars which must be reviewed by the Legislature  
14 as provided in section 48-1,102, fifty percent shall be added for

15 waiting time for delinquent payments thirty days after the  
16 effective date of the legislative bill appropriating any funds  
17 necessary to pay the portion of the award or judgment in excess of  
18 one hundred thousand dollars. Such payments shall be sent directly  
19 to the person entitled to compensation or his or her designated  
20 representative except as otherwise provided in section 48-149.  
21 (2) Whenever the employer refuses payment of compensation  
22 or medical payments subject to section 48-120, or when the employer  
23 neglects to pay compensation for thirty days after injury or  
24 neglects to pay medical payments subject to such section after  
1 thirty days' notice has been given of the obligation for medical  
2 payments, and proceedings are held before the Nebraska Workers'  
3 Compensation Court, a reasonable attorney's fee shall be allowed  
4 the employee by the compensation court in all cases when the  
5 employee receives an award. Attorney's fees allowed shall not be  
6 deducted from the amounts ordered to be paid for medical services  
7 nor shall attorney's fees be charged to the medical providers. If  
8 the employer files an application for review before the  
9 compensation court from an award of a judge of the compensation  
10 court and fails to obtain any reduction in the amount of such  
11 award, the compensation court shall allow the employee a reasonable  
12 attorney's fee to be taxed as costs against the employer for such  
13 review, and the Court of Appeals or Supreme Court shall in like  
14 manner allow the employee a reasonable sum as attorney's fees for  
15 the proceedings in the Court of Appeals or Supreme Court. If the  
16 employee files an application for a review before the compensation  
17 court from an order of a judge of the compensation court denying an  
18 award and obtains an award or if the employee files an application  
19 for a review before the compensation court from an award of a judge  
20 of the compensation court when the amount of compensation due is  
21 disputed and obtains an increase in the amount of such award, the  
22 compensation court may allow the employee a reasonable attorney's  
23 fee to be taxed as costs against the employer for such review, and  
24 the Court of Appeals or Supreme Court may in like manner allow the  
25 employee a reasonable sum as attorney's fees for the proceedings in  
26 the Court of Appeals or Supreme Court. A reasonable attorney's fee  
27 allowed pursuant to this section shall not affect or diminish the  
1 amount of the award.  
2 (2) (3) When an attorney's fee is allowed pursuant to  
3 this section, there shall further be assessed against the employer  
4 an amount of interest on the final award obtained, computed from  
5 the date compensation was payable, as provided in section 48-119,  
6 at a rate equal to the rate of interest allowed per annum under  
7 section 45-104.01, as such rate may from time to time be adjusted  
8 by the Legislature. Interest shall apply only to those weekly  
9 compensation benefits awarded which have accrued at the time  
10 payment is made by the employer. If the employer pays or tenders  
11 payment of compensation, the amount of compensation due is  
12 disputed, and the award obtained is greater than the amount paid or

13 tendered by the employer, the assessment of interest shall be  
 14 determined solely upon the difference between the amount awarded  
 15 and the amount tendered or paid.  
 16 Sec. 2. Section 48-1,102, Reissue Revised Statutes of  
 17 Nebraska, is amended to read:  
 18 48-1,102. Any final, nonappealable award to a claimant  
 19 ~~and any or~~ judgment in favor of a claimant under sections 48-192 to  
 20 48-1,109 shall be certified by the Attorney General to the Risk  
 21 Manager and to the Director of Administrative Services. The  
 22 Director of Administrative Services ; ~~who~~ shall promptly issue his  
 23 or her warrant for payment of such award or judgment out of the  
 24 Workers' Compensation Claims Revolving Fund, if sufficient money is  
 25 available in such fund, except that no portion in excess of ~~fifty~~  
 26 one hundred thousand dollars of any award or judgment shall be paid  
 27 until such award or judgment has been reviewed by the Legislature  
 1 and specific appropriation made therefor. Notice of any portion of  
 2 an award or judgment in excess of one hundred thousand dollars  
 3 shall be delivered by the Risk Manager to the chairperson of the  
 4 Business and Labor Committee of the Legislature at the next regular  
 5 session of the Legislature convening after the date the award or  
 6 judgment becomes final and nonappealable. Delivery of any warrant  
 7 in satisfaction of an award or judgment shall be made only upon  
 8 receipt of a written receipt by the claimant in a form provided by  
 9 the Attorney General."

**LEGISLATIVE BILL 395.** Placed on General File as amended.  
 Standing Committee amendment to LB 395:  
 AM0307

1 1. Strike beginning with "Service" on page 2, line 26,  
 2 through "compensation" on page 3, line 2, and insert "Service  
 3 performed by a person who is engaged in an agricultural operation,  
 4 or performed by his or her related employees, when the service  
 5 performed is (i) occasional and (ii) for another person who is  
 6 engaged in an agricultural operation who has provided or will  
 7 provide reciprocal or similar service".

**LEGISLATIVE BILL 415.** Placed on General File as amended.  
 Standing Committee amendment to LB 415:  
 AM0568

1 1. Strike original section 1 and insert the following  
 2 section:  
 3 "Section 1. Any compensation court document or any  
 4 compensation court information available by electronic means which  
 5 reveals the identity of an employee, the nature of an employee's  
 6 alleged injury, an employee's past or present medical condition,  
 7 the extent of an employee's disability, the amount, type, or  
 8 duration of benefits paid to an employee, or the application  
 9 information for self-insurance is confidential and not open to  
 10 public inspection or copying, except as otherwise provided in this

11 section and as necessary for the compensation court to administer  
 12 and enforce other provisions of the Nebraska Workers' Compensation  
 13 Act. The compensation court shall deny any request to inspect or  
 14 copy a record that is confidential under this section unless:  
 15 (1) The requestor is the employee who is the subject of  
 16 the record or an attorney or authorized agent of that employee. An  
 17 attorney or authorized agent of the employee shall provide a  
 18 written authorization for inspection or copying from the employee;  
 19 (2) The requestor is the employer, workers' compensation  
 20 insurer, risk management pool, or third-party administrator that is  
 21 a party to the record or an attorney or authorized agent of such  
 22 employer, workers' compensation insurer, risk management pool, or  
 23 third-party administrator. An attorney or authorized agent of an  
 24 employer, workers' compensation insurer, risk management pool, or  
 1 third-party administrator shall provide a written authorization for  
 2 inspection or copying from the employer, workers' compensation  
 3 insurer, risk management pool, or third-party administrator;  
 4 (3) The information is used for the purpose of state or  
 5 federal investigations or examinations or for the state or federal  
 6 government to compile statistical information;  
 7 (4) The document requested is a pleading filed in a  
 8 compensation court docketed file, an exhibit offered and received  
 9 into evidence by the compensation court, or a final order, award,  
 10 or judgment of the compensation court; or  
 11 (5) The information requested identifies the number and  
 12 nature of any injuries to employees of a employer identified in the  
 13 request, or any benefits paid to such employees, without revealing  
 14 the identity of any employee or the medical condition or extent of  
 15 disability of any employee."

(Signed) Douglas Cunningham, Chairperson

## GENERAL FILE

**LEGISLATIVE BILL 546.** Title read. Considered.

Senator Brown offered the following amendment:

FA72

1. On page 3 strike "regional zoning" and insert "uniform county zoning within the opportunity zone."
- 1 1. On page 5, line 12, after "(h)" insert "One member
- 2 representing cities of the first class within Douglas, Sarpy,
- 3 Lancaster, Cass, and Saunders counties appointed by the other
- 4 members of the commission;
- 5 (i) One member representing cities of the second class
- 6 and villages within Douglas, Sarpy, Lancaster, Cass, and Sanders
- 7 counties appointed by the other members of the commission;
- 8 (j)"; in line 14 strike "(i)" and insert "(k)"; in line
- 9 15 strike "(j)" and insert "(l)"; and in line 17 strike "(k)" and

10 insert "(m)".

The Brown amendment was adopted with 28 ayes, 0 nays, 14 present and not voting, and 7 excused and not voting.

Senator Schimek offered the following amendment:  
FA73

The provisions of this act shall terminate on December 31, 2010.

The Schimek amendment was adopted with 29 ayes, 0 nays, 13 present and not voting, and 7 excused and not voting.

Advanced to E & R for review with 28 ayes, 0 nays, 16 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 546A.** Title read. Considered.

Advanced to E & R for review with 26 ayes, 0 nays, 18 present and not voting, and 5 excused and not voting.

**LEGISLATIVE BILL 44.** Title read. Considered.

The Standing Committee amendment, AM0248, found on page 440, was considered.

Pending.

### **BILL ON FIRST READING**

The following bill was read for the first time by title:

**LEGISLATIVE BILL 77A.** Introduced by Baker, 44.

A BILL FOR AN ACT relating to appropriations; to appropriate funds to aid in carrying out the provisions of Legislative Bill 77, Ninety-ninth Legislature, First Session, 2005.

### **STANDING COMMITTEE REPORTS** **Education**

**LEGISLATIVE BILL 583.** Indefinitely postponed.

(Signed) Ron Raikes, Chairperson

### **Government, Military and Veterans Affairs**

**LEGISLATIVE BILL 519.** Placed on General File as amended.  
Standing Committee amendment to LB 519:  
AM0587

1 1. Strike the original sections and insert the following  
2 new sections:  
3 "Section 1. Section 49-1499.03, Reissue Revised Statutes  
4 of Nebraska, is amended to read:  
5 49-1499.03. (1)(a) An official of a political  
6 subdivision designated in section 49-1493 ~~and a member of any~~  
7 ~~school board~~ who would be required to take any action or make any  
8 decision in the discharge of his or her official duties that may  
9 cause financial benefit or detriment to him or her, a member of his  
10 or her immediate family, or a business with which he or she is  
11 associated, which is distinguishable from the effects of such  
12 action on the public generally or a broad segment of the public,  
13 shall take the following actions as soon as he or she is aware of  
14 such potential conflict or should reasonably be aware of such  
15 potential conflict, whichever is sooner:  
16 (a) (i) Prepare a written statement describing the matter  
17 requiring action or decision and the nature of the potential  
18 conflict; and  
19 (b) (ii) Deliver a copy of the statement to the  
20 commission and to the person in charge of keeping records for the  
21 political subdivision who shall enter the statement onto the public  
22 records of the subdivision.  
23 (b) The official shall take such action as the commission  
24 shall advise or prescribe to remove himself or herself from  
1 influence over the action or decision on the matter.  
2 (2) ~~This section~~ (c) This subsection does not prevent  
3 such a person from making or participating in the making of a  
4 governmental decision to the extent that the individual's  
5 participation is legally required for the action or decision to be  
6 made. A person acting pursuant to this ~~subsection~~ subdivision  
7 shall report the occurrence to the commission.  
8 (2)(a) Any person holding an elective office of a city or  
9 village not designated in section 49-1493 and any person holding an  
10 elective office of a school district who would be required to take  
11 any action or make any decision in the discharge of his or her  
12 official duties that may cause financial benefit or detriment to  
13 him or her, a member of his or her immediate family, or a business  
14 with which he or she is associated, which is distinguishable from  
15 the effects of such action on the public generally or a broad  
16 segment of the public, shall take the following actions as soon as  
17 he or she is aware of such potential conflict or should reasonably  
18 be aware of such potential conflict, whichever is sooner:  
19 (i) Prepare a written statement describing the matter  
20 requiring action or decision and the nature of the potential  
21 conflict;  
22 (ii) Deliver a copy of the statement to the person in  
23 charge of keeping records for the city, village, or school district  
24 who shall enter the statement onto the public records of the city,  
25 village, or school district; and

26 (iii) Abstain from participating or voting on the matter  
 27 in which the person holding elective office has a conflict of  
 1 interest.  
 2 (b) The person holding elective office may apply to the  
 3 commission for an opinion as to whether the person has a conflict  
 4 of interest.  
 5 (3) Either sections 49-14,102 and 49-14,103 or sections  
 6 49-14,103.01 to 49-14,103.06 apply to interests in contracts by  
 7 officials of a political subdivision. Matters involving an interest  
 8 in a contract are governed either by sections 49-14,102 and  
 9 49-14,103 or by sections 49-14,103.01 to 49-14,103.06. Matters  
 10 involving the hiring of an immediate family member are governed by  
 11 section 49-1499.01 or 49-1499.04.  
 12 Sec. 2. Original section 49-1499.03, Reissue Revised  
 13 Statutes of Nebraska, is repealed."

(Signed) DiAnna R. Schimek, Chairperson

### Urban Affairs

**LEGISLATIVE BILL 48.** Placed on General File as amended.  
 (Standing Committee amendment, AM0662, is printed separately and  
 available in the Bill Room, Room 1104.)

**LEGISLATIVE BILL 289.** Placed on General File as amended.  
 Standing Committee amendment to LB 289:  
 AM0536

- 1 1. Insert the following new section:
- 2 "Sec. 2. Any natural gas public utility, as defined in
- 3 section 66-1802, shall have standing to challenge an annexation by
- 4 a city or village which owns or operates a natural gas utility if
- 5 such annexation includes customers served by the natural gas public
- 6 utility."

**LEGISLATIVE BILL 748.** Placed on General File as amended.  
 Standing Committee amendment to LB 748:  
 AM0435

- 1 1. Strike original section 1 and insert the following
- 2 new section:
- 3 "Sec. 16. Section 57-1306, Reissue Revised Statutes of
- 4 Nebraska, is amended to read:
- 5 57-1306. If the investor-owned natural gas utility or
- 6 the metropolitan utilities district disagrees with a determination
- 7 by an investor-owned natural gas utility or a metropolitan
- 8 utilities district that a proposed extension or enlargement is in
- 9 the public interest, the matter may be submitted to the Public
- 10 Service Commission for hearing and determination in the county
- 11 where the extension or enlargement is proposed and shall be subject
- 12 to the applicable procedures provided in sections 75-112, 75-129,



13 and 75-134 to 75-136. In making a determination whether a proposed  
 14 extension or enlargement is in the public interest, the commission  
 15 shall consider the factors set forth in sections 57-1303 and  
 16 57-1304. The commission shall have no jurisdiction over a  
 17 metropolitan utilities district ~~or natural gas utility~~ beyond the  
 18 determination of disputes brought before it under sections 57-1301  
 19 to 57-1307 and certification as a competitive natural gas provider  
 20 in accordance with sections 66-1848 and 66-1849. Ratepayers of the  
 21 investor-owned natural gas utility or the metropolitan utilities  
 22 district shall have the right to appear and present testimony  
 23 before the commission on any matter submitted to the commission  
 24 under sections 57-1301 to 57-1307 and shall have such testimony  
 1 considered by the commission in arriving at its determination.".

2 2. On page 6, strike beginning with "take" in line 14  
 3 through "Commission" in line 16 and insert "be a competitive  
 4 natural gas provider by obtaining certification in accordance with  
 5 sections 66-1848 and 66-1849".

6 3. On page 7, line 22, reinstate the stricken  
 7 "boundary"; and in line 23 before the period insert ", except that  
 8 when such facilities are located within the corporate boundaries or  
 9 extraterritorial zoning jurisdiction of a city of the primary,  
 10 first, or second class or village, or when such facilities are  
 11 located on property owned or leased by a city of the primary,  
 12 first, or second class or village, the district shall not acquire  
 13 such facilities by condemnation or eminent domain unless the city  
 14 or village adopts a resolution approving such acquisition".

15 4. On page 15, line 25, strike "1" and insert "2".

16 5. On page 20, line 12, strike "A" and insert "Except as  
 17 provided in sections 66-1848 and 66-1849, a".

18 6. On page 21, line 24, after "utility" insert "and a  
 19 city-owned or operated natural gas utility or metropolitan  
 20 utilities district except as provided in subdivision (2)(b)(ii) of  
 21 this section".

22 7. On page 22, line 1, strike the new matter; reinstate  
 23 the stricken matter in lines 1 and 2; and in line 19 after the  
 24 third comma insert "57-1306,".

25 8. Renumber the remaining sections accordingly.

(Signed) Mike Friend, Chairperson

### General Affairs

**LEGISLATIVE BILL 108.** Indefinitely postponed.

**LEGISLATIVE BILL 530.** Indefinitely postponed.

**LEGISLATIVE BILL 733.** Indefinitely postponed.

(Signed) Ray Janssen, Chairperson

**Transportation and Telecommunications**

**LEGISLATIVE BILL 343.** Placed on General File as amended.

Standing Committee amendment to LB 343:

AM0648

- 1 1. Strike the original sections and insert the following
- 2 new sections:
- 3 "Section 1. Section 86-401, Revised Statutes Supplement,
- 4 2004, is amended to read:
- 5 86-401. Sections 86-401 to ~~86-419~~ 86-418 and section 7
- 6 of this act shall be known and may be cited as the Nebraska Public
- 7 Safety Wireless Communication System Act.
- 8 Sec. 2. Section 86-402, Revised Statutes Supplement,
- 9 2004, is amended to read:
- 10 86-402. The Legislature finds that:
- 11 (1) During emergencies the resources of the state and its
- 12 political subdivisions must be effectively directed to save lives,
- 13 to protect property, and to meet the needs of its citizens;
- 14 (2) Public safety agencies fulfill this unique and
- 15 essential role;
- 16 (3) Public safety agencies are only as effective as their
- 17 ability to communicate. To adequately ensure public safety, such
- 18 agencies require an efficient, reliable communication system which
- 19 accounts for their unique role and the specialized needs that
- 20 accompany such role;
- 21 (4) Present radio communication systems used by public
- 22 safety agencies during daily operations and emergencies are
- 23 deficient. Nebraska's systems are based on outdated technologies,
- 24 rely on inadequate equipment, are susceptible to communication
- 1 interference, have limited coverage areas, operate under the
- 2 constraints of a limited number of radio frequency channels, and
- 3 lack coordination and the ability to interoperate among city,
- 4 county, and other local users, state users, and federal users.
- 5 Additionally, such systems presently do not allow for secure
- 6 transmissions which are necessary for the protection and integrity
- 7 of public safety communications;
- 8 (5) Recent changes and advances in communication
- 9 technology, including wireless communication, would increase the
- 10 capability of public safety agencies to provide efficient and
- 11 effective public safety services;
- 12 (6) Investment in the public safety communication
- 13 infrastructure is required to ensure the effectiveness of
- 14 Nebraska's public safety agencies. Since the maintenance of public
- 15 safety is a paramount concern but the cost of purchasing and
- 16 operating multiple communication infrastructures is prohibitive, it
- 17 is imperative that local and state public safety agencies cooperate
- 18 in their efforts to obtain a single statewide seamless
- 19 communication system; ~~and~~
- 20 (7) Regional approaches to communications planning and

21 preparedness and the adoption of regional response structures  
22 should be used to develop and sustain interoperable communications.  
23 Local and state public safety agencies shall develop a  
24 comprehensive interoperable communications plan before receiving  
25 any state or federal funding to build, upgrade, enhance, or replace  
26 communications systems; and

27 (8) A statewide seamless communication system should  
1 balance the need for multiple simultaneous users while maintaining  
2 autonomy for the internal use of individual agencies. The  
3 objectives of such a system should include maximizing resources and  
4 reducing duplication among public safety agencies as well as  
5 encouraging cooperation, coordination, consolidation, sharing, and  
6 partnerships between public agencies and private entities.

7 Sec. 3. Section 86-410, Revised Statutes Supplement,  
8 2004, is amended to read:

9 86-410. In order to establish a system:

10 (1) ~~An an~~ acquisition agency may be established as a  
11 joint entity under the Interlocal Cooperation Act. An acquisition  
12 agency shall acquire real and personal property for use in  
13 connection with such system and shall construct any facilities  
14 necessary to implement such system. ~~;~~ and

15 (2) ~~An alliance may be established as a joint entity~~  
16 ~~under the Interlocal Cooperation Act to operate, maintain, and~~  
17 ~~manage the system. In addition to the requirements in section~~  
18 ~~13-804, an agreement to establish an alliance may provide that the~~  
19 ~~State of Nebraska, on behalf of the Department of Administrative~~  
20 ~~Services, the Game and Parks Commission, and the Board of Regents~~  
21 ~~of the University of Nebraska, may be a member of the alliance.~~

22 Sec. 4. Section 86-414, Revised Statutes Supplement,  
23 2004, is amended to read:

24 86-414. (1) An acquisition agency may acquire real and  
25 personal property and may construct facilities based upon (a) the  
26 implementation plan, (b) the ongoing advice and assistance of the  
27 ~~board and the~~ division, and (c) the determinations made by the  
1 members and governing body of the acquisition agency.

2 (2) ~~An alliance is a public body which may be operated~~  
3 ~~not for profit with no profit or dividend inuring to the benefit of~~  
4 ~~any individual. An alliance may employ consultants and other~~  
5 ~~persons as deemed necessary and may set and approve compensation~~  
6 ~~for such consultants and other persons. An alliance may have all~~  
7 ~~powers authorized under the Nebraska Public Safety Wireless~~  
8 ~~Communication System Act and the Interlocal Cooperation Act and may~~  
9 ~~operate, maintain, and manage the system pursuant to an operating~~  
10 ~~agreement entered into by the acquisition agency and the alliance.~~  
11 ~~Any operating agreement may provide that the alliance shall (a)~~  
12 ~~make the system available for the use of public safety agencies and~~  
13 ~~(b) allow local, state, and federal public safety agencies to~~  
14 ~~interconnect with the system's infrastructure to enable~~  
15 ~~multi-agency, multijurisdictional responses to public safety~~

16 ~~situations.~~

17 ~~(3) The Governor, acting on behalf of the state or any of~~  
18 ~~its agencies or departments, may assign any license or other user~~  
19 ~~rights relating to or useful for public safety communications,~~  
20 ~~whether presently owned or subsequently acquired on April 20, 2002,~~  
21 ~~to an alliance or acquisition agency. The state shall retain~~  
22 ~~ownership of the license or other user rights.~~

23 Sec. 5. Section 86-415, Revised Statutes Supplement,  
24 2004, is amended to read:

25 86-415. (1) The State of Nebraska, on behalf of the  
26 Department of Administrative Services and the Game and Parks  
27 Commission, is authorized to enter into a service agreement for a  
1 statewide seamless wireless communication system with:  
2 ~~(a) Any any acquisition agency. The service agreement~~  
3 ~~may extend for a term of years subject to appropriation of funds~~  
4 ~~for payment and shall provide for contracting for user rights with~~  
5 ~~respect to the real and personal property owned by the acquisition~~  
6 ~~agency and used in connection with the system. ; and~~

7 ~~(b) Any alliance. The service agreement may extend for a~~  
8 ~~term of years subject to appropriation of funds for payment and~~  
9 ~~shall specify the services to be provided by the alliance in~~  
10 ~~operating, maintaining, and managing the system.~~

11 (2) The Board of Regents of the University of Nebraska  
12 may, in its discretion, participate as a contracting party in any  
13 service agreement entered into pursuant to subsection (1) of this  
14 section.

15 Sec. 6. Section 86-418, Revised Statutes Supplement,  
16 2004, is amended to read:

17 86-418. The division shall develop and adopt technical  
18 and operational standards for any wireless communication system  
19 acquired, developed, constructed, or replaced by any state agency  
20 or any city, county, village, public power district, fire

21 protection district, or other political subdivision, including  
22 joint entities and joint public agencies created pursuant to the  
23 Interlocal Cooperation Act or Joint Public Agency Act. The ~~board~~  
24 ~~with the~~ division shall develop incentives to encourage regional  
25 cooperation in public safety communication throughout the state.

26 ~~The board division shall assist local communities and public safety~~  
27 ~~agencies which desire to connect with the system. Incentive~~  
1 ~~alternatives may include financial incentives to encourage~~  
2 ~~migration by communities to the system and to reward communities~~  
3 ~~which coordinate efforts to form public safety communication~~  
4 ~~centers. Such incentives shall not mandate migration by public~~  
5 ~~safety agencies to the system.~~

6 Sec. 7. (1) The Regional Interoperability Advisory Board  
7 is created. The board shall provide advice to the division  
8 regarding the formation, expansion, and enhancement of regional  
9 wireless communication systems to achieve interoperability. For  
10 administrative and budgetary purposes, the board shall be within

- 11 the division. The division shall provide office space, equipment,  
12 technical assistance, and staff support for the board.  
13 (2) The advisory board shall consist of the following  
14 members, all of whom shall be individuals with knowledge of the  
15 communications needs of their represented constituency. The  
16 advisory board shall be comprised of:  
17 (a) A representative of the division;  
18 (b) A representative of the Nebraska Emergency Management  
19 Agency;  
20 (c) Four representatives of regional wireless  
21 communications systems.  
22 (3) The members of the board shall be appointed by the  
23 Governor. Each member's term shall be for two years from the date  
24 of appointment. Members shall be reimbursed from the Public Safety  
25 Communications Fund for their actual and necessary expenses  
26 incurred in the performance of their duties as provided in sections  
27 81-1174 to 81-1177.  
1 (4) The board shall terminate on January 1, 2009.  
2 Sec. 8. Section 86-516, Revised Statutes Supplement,  
3 2004, is amended to read:  
4 86-516. The commission shall:  
5 (1) Annually by July 1, adopt policies and procedures  
6 used to develop, review, and annually update a statewide technology  
7 plan;  
8 (2) Create an information technology clearinghouse to  
9 identify and share best practices and new developments, as well as  
10 identify existing problems and deficiencies;  
11 (3) Review and adopt policies to provide incentives for  
12 investments in information technology infrastructure services;  
13 (4) Determine a broad strategy and objectives for  
14 developing and sustaining information technology development in  
15 Nebraska, including long-range funding strategies, research and  
16 development investment, support and maintenance requirements, and  
17 system usage and assessment guidelines;  
18 (5) Adopt guidelines regarding project planning and  
19 management, information sharing, and administrative and technical  
20 review procedures involving state-owned or state-supported  
21 technology and infrastructure. Governmental entities, state  
22 agencies, and political subdivisions shall submit projects which  
23 directly utilize state-appropriated funds for information  
24 technology purposes to the process established by sections 86-512  
25 to 86-524. Governmental entities and political subdivisions may  
26 submit other projects involving information technology to the  
27 commission for comment, review, and recommendations;  
1 (6) Adopt minimum technical standards, guidelines, and  
2 architectures upon recommendation by the technical panel;  
3 (7) Establish ad hoc technical advisory groups to study  
4 and make recommendations on specific topics, including work groups  
5 to establish, coordinate, and prioritize needs for education, local

6 communities, and state agencies;

7 (8) By November 15 of each even-numbered year, make  
8 recommendations on technology investments to the Governor and the  
9 Legislature, including a prioritized list of projects, reviewed by  
10 the technical panel, for which new or additional funding is  
11 requested;

12 (9) Approve grants from the Community Technology Fund and  
13 Government Technology Collaboration Fund; and

14 (10) Adopt schedules and procedures for reporting needs,  
15 priorities, and recommended projects; ~~and~~

16 ~~(11) Provide assistance upon request to the Public Safety~~  
17 ~~Wireless Communication Advisory Board.~~

18 Sec. 9. Section 86-543, Revised Statutes Supplement,  
19 2004, is amended to read:

20 86-543. (1) The council shall:

21 (a) Develop and publish one-year and five-year plans,  
22 specifications, and recommendations for the data processing needs  
23 of the state and for a network to provide for intergovernmental  
24 transfer of data;

25 (b) Seek to eliminate duplication of effort through  
26 coordination of related projects;

27 (c) Promote flexibility in the collection, use, and  
1 exchange of information in anticipation of future needs of the  
2 state and its political subdivisions;

3 (d) Identify and recommend data processing applications  
4 in anticipation of the future needs of state and local governments;

5 (e) Promote intergovernmental exchanges of data and  
6 technical expertise;

7 (f) Report to, assist, and advise the Chief Information  
8 Officer in setting information technology policy; and

9 (g) Provide assistance as requested by the Nebraska  
10 Information Technology Commission to support the technical panel  
11 created in section 86-521; ~~and~~

12 ~~(h) Provide assistance upon request to the Public Safety~~  
13 ~~Wireless Communication Advisory Board.~~

14 (2) The council may study and make recommendations,  
15 including a cost-benefit analysis, concerning:

16 (a) State projects which involve intergovernmental  
17 transfer of information in an electronic medium or  
18 multijurisdictional data processing projects; and

19 (b) A local project only if the request for assistance  
20 comes from the governmental subdivisions involved in the project.

21 Sec. 10. Section 86-572, Revised Statutes Supplement,  
22 2004, is amended to read:

23 86-572. The Geographic Information System Steering  
24 Committee shall:

25 (1) Make recommendations to the Legislature for program  
26 initiatives and funding;

27 (2) Establish guidelines and policies for statewide

- 1 Geographic Information System operations and management to include:  
 2 (a) The acquisition, development, maintenance, quality  
 3 assurance such as quality control standards, access, ownership,  
 4 cost recovery, and priorities of data bases;  
 5 (b) The compatibility, acquisition, and communications of  
 6 hardware and software;  
 7 (c) The assessment of needs, identification of scope,  
 8 setting of standards, and determination of an appropriate  
 9 enforcement mechanism;  
 10 (d) The fostering of training programs and promoting  
 11 education and information about the Geographic Information System;  
 12 and  
 13 (e) The promoting of the Geographic Information System  
 14 development in the State of Nebraska and providing or coordinating  
 15 additional support to address Geographic Information System issues  
 16 as such issues arise;  
 17 (3) Report to, assist, and advise the Chief Information  
 18 Officer in setting information technology policy; and  
 19 (4) Provide assistance as requested by the Nebraska  
 20 Information Technology Commission to support the technical panel  
 21 created in section 86-521. ~~÷ and~~  
 22 ~~(5) Provide assistance upon request to the Public Safety~~  
 23 ~~Wireless Communication Advisory Board.~~  
 24 Sec. 11. Original sections 86-401, 86-402, 86-410,  
 25 86-414, 86-415, 86-418, 86-516, 86-543, and 86-572, Revised  
 26 Statutes Supplement, 2004, are repealed.  
 27 Sec. 12. The following sections are outright repealed:  
 1 Sections 86-405, 86-406, 86-411 to 86-413, and 86-419, Revised  
 2 Statutes Supplement, 2004.  
 3 Sec. 13. Since an emergency exists, this act takes  
 4 effect when passed and approved according to law."

(Signed) Tom Baker, Chairperson

### AMENDMENT - Print in Journal

Senator Schrock filed the following amendment to LB 121:  
 AM0664

- 1 1. On page 2, strike lines 13 through 16 and insert the  
 2 following:  
 3 "(2) The commission shall establish a fee of five dollars  
 4 for the discounted permit. The commission may authorize electronic  
 5 issuance of the discounted permit.  
 6 (3)(a) Notwithstanding any provision of section 37-407 to  
 7 the contrary, a Nebraska resident who purchased a big game permit  
 8 and who was deployed out of state with a branch of the United  
 9 States military for the entire season of the hunt and who was  
 10 unable to use the permit shall be entitled to receive a discounted  
 11 permit on a one-time basis upon returning to the state if the

12 resident provides to the commission satisfactory proof of purchase  
13 of the original permit and evidence of the resident's deployment.  
14 Alternatively, the member of the military may request a refund of  
15 the amount paid for a big game permit and the commission shall pay  
16 such amount.  
17 (b) For purposes of this subsection, big game means  
18 antelope, deer, elk, mountain sheep, and wild turkeys."; and in  
19 line 17 strike "(3)" and insert "(4)".

### **UNANIMOUS CONSENT - Add Cointroducers**

Senator Aguilar asked unanimous consent to have his name added as cointroducer to LB 264. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LBs 437, 558, 697, and 760. No objections. So ordered.

Senator Dw. Pedersen asked unanimous consent to have his name added as cointroducer to LR 15. No objections. So ordered.

Senator Schimek asked unanimous consent to have her name added as cointroducer to LB 760. No objections. So ordered.

### **VISITORS**

Visitors to the Chamber were 90 high school students and teacher from Millard West High School; Elizabeth Breunig, Annie Butterfield, Suzanne Krutz, Lindsay Kramer, and Steve Hromas from Midland College, Fremont; seventh- and twelfth-grade students and teachers from Nelson School; 75 fifth-grade students and teachers from Thomas Elementary School, Gretna; and Zoltan Toth from Hungary.

The Doctor of the Day was Dr. Gilbert Head from Omaha.

### **ADJOURNMENT**

At 11:56 a.m., on a motion by Senator Preister, the Legislature adjourned until 9:00 a.m., Thursday, March 3, 2005.

Patrick J. O'Donnell  
Clerk of the Legislature